

1761

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Chikako SHIMIZU, et al.

SERIAL NO: 10/070,814

GROUP: 1761

FILED: March 11, 2002

EXAMINER: Curtis Edward SHERRER

RCE FILED: November 12, 2004

FOR: METHOD OF PRODUCING MALT ALCOHOL BEVERAGES

LETTER


Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an European Office Action for the Examiner's consideration. The reference listed therein has been cited in the Office Action dated January 12, 2005.

Respectfully Submitted,

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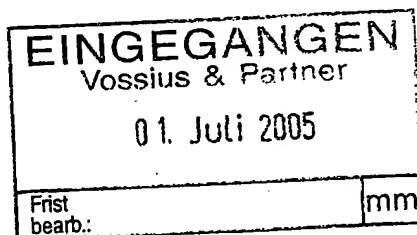
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R

RV 01 982 679 5DE



Application No. 01 947 968.2 - 1221	Ref. G 1457 EP	Date 28.06.2005
Applicant SAPPORO BREWERIES LTD.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Koch, J
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

**Bescheid/Protokoll (Anlage)**

Datum
Date 28.06.2005
Date

Communication/Minutes (Annex)

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Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 01 947 968.2
Demande n°:

The examination is being carried out on the **following application documents**:

Description, Pages

1-49 as originally filed

Claims, Numbers

1-4 received on 23.02.2005 with letter of 22.02.2005

Drawings, Sheets

1/21-21/21 as originally filed

1. The following document (D) is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D2: US 6001406
2. Document D2 discloses a method for removing polyphenols from a beverage such as beer using a suitable adsorbent, e.g. an anion-exchange resin based on a synthetic polymer (cf. abstract; col. 5, l. 1; col. 3, l. 24-27 & 50-53; col. 4, l. 13-15).
- 2.1. According to the applicant's letter of 22.02.2005, polyphenols can lead to the "aging of the flavor" (cf. p. 3, first §).
With respect to the fact that the terms "rough flavor" and "stale flavor" do not have a well defined meaning and therefore have to be interpreted in a broad sense as to relate to any undesirable or offensive off-flavor, said polyphenols may be considered



as having a "rough" and "stale" flavor.

2.2. Further, the present description indicates (cf. p. 14, l. 6 - p. 15, l. 3) that anion exchange resins, as those used in D2 (cf. D2, col. 4, l. 13-15), are in fact capable of reducing the stale flavor by removing the rough flavor components through adsorption. Carbonyl compounds, Maillard compounds and organic acids are mentioned as examples of rough flavor components, which are removed by adsorption (cf. present description: p. 17, l. 14 - p. 19, l. 10).

Thus, notwithstanding the interpretation explained under 2.1., it appears that the anion-exchange resins mentioned in D2 adsorb rough flavor components including carbonyl, Maillard and organic acid compounds.

2.3. The subject-matter of claims 1-3 is therefore not new (Article 52(1) and 54 EPC).

3. Dependent claim 4 does not appear to contain any additional features which, in combination with the features of claim 1, to which it refers, meet the requirements of the EPC with respect to inventive step, the reasons being as follows:

In claim 4, a slight change in the method of claim 1 is suggested which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance. Consequently, the subject-matter of claim 4 also appears to lack an inventive step.

4. The applicant is requested to file new claims which take account of the above comments.

The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

If the applicant regards it as appropriate these indications could be submitted in

**Bescheid/Protokoll (Anlage)**

Datum
Date
Date 28.06.2005

Communication/Minutes (Annex)

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Sheet
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Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 01 947 968.2
Demande n°:

handwritten form on a copy of the relevant parts of the application as filed.

5. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).